

Message Text

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ORIGIN AF-10

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APPROVED BY AF/S:HKAISER
HA/ORM:GMETSON
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HA:JCARLIN
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FM SECSTATE WASHDC
TO AMEMBASSY MBABANE
INFO AMEMBASSY GABORONE
AMEMBASSY MASERU

C O N F I D E N T I A L STATE 215238

E.O. 11652: GDS

TAGS: SREF, WZ

SUBJECT: LACK OF RETURN CLAUSES IN REFUGEE PASSPORTS

REF: (A) GABORONE 2606; (B) STATE 204212; (C) MBABANE 2665

1. DEPARTMENT CONGRATULATES POSTS ON SUCCESSFUL
FINESSING OF IMPASSE CREATED BY GOS REFUSAL TO ISSUE
STANDARD RETURN CLAUSES FOR REFUGEES FROM SWAZILAND. WE
NOTE THAT ONCE AGAIN BOTSWANA GOVERNMENT HAS REACTED
GENEROUSLY AND SENSIBLY TO PREVENT PENALIZING INDIVIDUAL
STUDENTS FOR INSTITUTIONAL INTRANSIGENCE. WE ALSO NOTE
THAT THIS IS STRICTLY A ONE-TIME MEASURE.

2. MBABANE SHOULD INSURE THAT GOS DOES NOT MISTAKE
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POSTS' AND GOB'S DEFT HANDLING OF IMMEDIATE PROBLEM FOR
A SATISFACTORY RESOLUTION OF THE FUNDAMENTAL ISSUE CREATED
BY ITS DECISION. FRANKLY, WE ARE PUZZLED THAT SWAZILAND
DOES NOT APPEAR TO WANT STUDENTS WHO HAVE RECEIVED
EDUCATION AND TRAINING IN THE U.S. WE ALSO QUESTION
WHETHER STUDENTS WOULD NECESSARILY ELECT TO RETURN TO
OPPORTUNITIES IN SWAZILAND FOLLOWING COMPLETION OF SUCH

TRAINING. YOU SHOULD EMPHASIZE TO APPROPRIATE GOS
OFFICIALS THAT TECHNICALITY OF PROVIDING SUCH RETURN
CLAUSE DOES NOT IN PRACTICE MEAN STUDENTS WILL NECESSARILY

RETURN TO SWAZILAND, AS POINTED OUT IN REF (B). NEVER-
THELESS, PROVISION OF SUCH A CLAUSE IS AN OBLIGATION
ASSUMED BY GOS WHEN IT ACCEDED TO THE REFUGEE CONVENTION
AND A FIRM REQUIREMENT OF US VISA REGULATIONS. IT
SHOULD BE MADE CLEAR TO GOS THAT US HAS NO INTENTION OF
WAIVING THIS REQUIREMENT AND THAT A FINAL SWAZI DECISION
TO REFUSE TO ISSUE CLAUSES WOULD BE TANTAMOUNT TO
DENYING US THE ABILITY TO SERVE BEST INTERESTS OF BOTH
REFUGEES AND SWAZILAND BY ISSUING VISAS ENABLING REFUGEES
TO DEPART FOR U.S. WE ARE ANXIOUS TO AVOID UNNECESSARY
CONFRONTATION OVER ISSUE BUT REMAIN CONVINCED THAT ON
REFLECTION GOS WILL RECONSIDER AND FACILITATE SOLUTION
IN BEST INTERESTS OF ALL CONCERNED. CHRISTOPHER

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